

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:12-CR-101-T-17TBM

WALTER McKINLEY SHEARD.

_____/

ORDER

This cause is before the Court on:

Dkt. 74	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 81	Amendment 782 Memorandum
Dkt. 89	Notice of Federal Defender

Defendant Walter McKinley Sheard, *pro se*, moves for a 2-level sentence reduction pursuant to USSG Amendment 782.

Defendant Sheard entered into a Plea Agreement, pleading guilty to Counts 1 and 3 of the Indictment. Defendant Sheard was sentenced on Counts 1 and 3 on March 15, 2013 to a term of imprisonment of 188 months on Counts 1 and 3, concurrent; a 72-month term of supervised release on Count 1, and a 60-month term of supervised release on Count 3, concurrent; fine waived, and a special assessment fee of \$200.00. At sentencing, Counts 2 and 4 were dismissed on the Government's Motion.

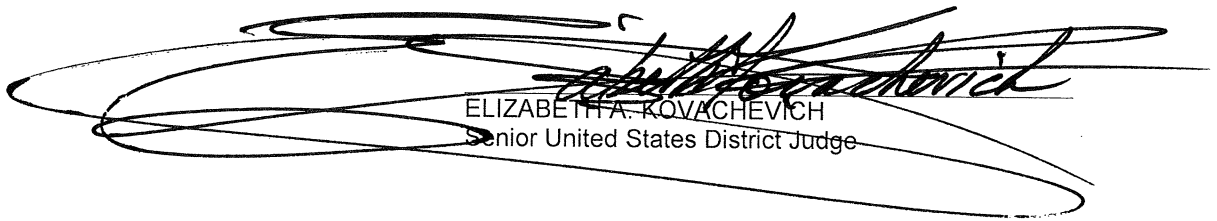
In the Amendment 782 Memorandum, the U.S. Probation Office notes that Defendant Sheard was sentenced pursuant to the career offender guideline in USSG Sec. 4B1.1 rather than the Drug Quantity Table in USSG Sec. 2D1.1(c).

The Federal Public Defender notified Defendant Sheard that because Defendant Sheard was sentenced under the career offender guideline, the Federal Public Defender could not in good faith pursue relief under Amendment 782.

After consideration, the Court denies Defendant Sheard's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 because Defendant Sheard was sentenced under the career offender guideline. Accordingly, it is

ORDERED that *pro se* Defendant Walter McKinley Sheard's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 is **denied**. (Dkt. 74).

DONE and ORDERED Chambers in Tampa, Florida on this 5th day of November, 2019.


ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

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